

CHAPTER 16

MENTION OF THE IMAMS WHO CHARGED THE KHARIJITES WITH DISBELIEF AND ORDERED THEIR ELIMINATION

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THE SCHOLARS HAVE TWO DIFFERENT OPINIONS ABOUT CHARGING THE Kharijites with disbelief, but there is no difference of opinion about fighting them, for the Prophet ﷺ has given clear instructions in this regard that no Muslim can oppose. The authority to eliminate the Kharijites is taken from his many statements, such as: ‘If I were to encounter them, I would slay them like the people of Thamūd’, and ‘Kill them wherever you find them’, and so on. This was understood by the hadith scholars who worded their chapter headings accordingly. Imam al-Bukhārī penned one chapter of his collection, ‘On Fighting the Kharijites and the Heretics after Establishing the Evidence against Them’. In his *al-Šaḥīḥ*, Imam Muslim penned one chapter named, ‘The Encouragement to Kill the Kharijites’. In his commentary, al-Nawawī stated:

قَوْلُهُ ﷺ: إِنَّمَا تَضْرِيْبَتْ بِجُوْبِ قِتَالِ
الْخَوَارِجِ وَالْبَغَاءِ، وَهُوَ إِجْمَاعُ الْفُلَمَاءِ. قَالَ الْفَاضِيُّ: أَجْمَعَ الْفُلَمَاءُ عَلَى أَنَّ الْخَوَارِجَ
وَأَشْبَاهُهُم مِّنْ أَهْلِ الْبَدْعَ وَالْبَغْيِ مَتَى خَرَجُوا عَلَى الْإِمَامِ، وَخَالَفُوا رَأْيَ الْجَمَاعَةِ،
وَشَقُّوا الْعَصَمَ، وَجَبَ قِتَالُهُم بَعْدَ إِنْذَارِهِمْ وَالْإِعْنَادِ إِلَيْهِمْ. وَهَذَا كُلُّهُ مَا لَمْ يُكَفَّرُوا
بِيُدْعِتِهِمْ، فَإِنْ كَانَتِ الْبَدْعَةُ مِمَّا يُكَفِّرُونَ بِهِ جَرَتْ عَلَيْهِمْ أَحْكَامُ الْمُرْدِنِينَ، وَأَمَّا
الْبَغَاءُ الَّذِيْنَ لَا يُكَفِّرُونَ فَيُرِثُونَ وَيُورِثُونَ وَدَمْهُمْ فِي حَالِ الْقِتَالِ هُدُرٌ، وَكَذَا أَمْوَالُهُمْ
الَّتِي تُشَلِّفُ فِي الْقِتَالِ.

The Prophet’s statement ﷺ, ‘Kill them wherever you find them, for the one who kills them will be rewarded [on the Day of Resurrection]’, is an explicit declaration of the obligation to fight the Kharijites and rebels, and this is the consensus of the scholars. Qādī [Abū Bakr b. al-‘Arabī] said, ‘The scholars have unanimously agreed that when the Kharijites and their ilk from the people of blameworthy innovation and rebellion revolt against the view of the community [*jamā‘a*], split the unity [of

the Muslims] and take up arms, it is obligatory to fight them after exhorting them and warning them'. Now, that applies so long as their innovation does not entail disbelief. If their innovation is one that makes them disbelievers, then the rules that pertain to apostates are applied to them. As for the rebels who do not disbelieve, they may inherit and others may inherit from them, although during times of fighting their blood is lawful, as is their wealth that is destroyed during the fighting.¹

Qādī Iyād said in *al-Shifā*:

وَاحْتَلَفَ قَوْلُ مَالِكٍ وَأَصْحَابِهِ فِي ذَلِكَ، وَلَمْ يَخْتَلِفُوا فِي قِتَالِهِمْ إِذَا تَحْيِزُوا فِتْنَةً، وَإِنَّهُمْ يُسْتَتابُونَ، فَإِنْ تَابُوا وَإِلَّا قُتِلُوا، وَإِنَّمَا احْتَلَفُوا فِي الْمُنْقَرِدِ مِنْهُمْ. وَهَذَا قَوْلُ مُحَمَّدٍ بْنِ الْمُؤَازِ فِي الْحَوَارِجِ، وَعَبْدِ الْمُلِكِ بْنِ الْمَاجِشُونِ، وَقَوْلُ سُحْنُونِ، وَيَهُ فُسْرَ قَوْلُ مَالِكٍ فِي الْمُوَظَّلِ، وَمَا رَوَاهُ عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ: يُسْتَتابُونَ، فَإِنْ تَابُوا وَإِلَّا قُتِلُوا. وَقَالَ عِيسَى، عَنْ أَبْنِ الْقَاسِمِ: فَإِنْ تَابُوا وَإِلَّا قُتِلُوا، وَمَثْلُهُ لَهُ فِي الْمُبْسُطِ، قَالَ: وَهُمْ مُسْلِمُونَ، وَإِنَّمَا قُتِلُوا لِرَأْيِهِمُ السُّوءِ، وَبِهَذَا عَمِلَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ. وَابْنُ حَيْبٍ، وَغَيْرُهُ مِنْ أَصْحَابِنَا يَرِي تَكْفِيرَهُمْ.

وَقَوْلُهُ عليه السلام فِي الْحَوَارِجِ: هُمْ مِنْ شَرِّ الْبَرِّيَّةِ، وَهَذِهِ صِفَةُ الْكُفَّارِ. وَقَالَ عليه السلام: شُرُّ قَبِيلٍ تَحْتَ أَدْبِيمِ السَّمَاءِ، طُوبَى لِمَنْ قَتَلَهُمْ أَوْ قُتُلُوهُ. وَقَالَ: فَإِذَا وَجَدْتُمُوهُمْ فَاقْتُلُوهُمْ قَتْلَ عَادٍ. وَظَاهِرٌ هَذَا الْكُفُرُ لَا سِيمَا مَعَ تَشْبِيهِهِمْ بِعَادٍ، فَيَحْتَجُّ إِلَيْهِ مِنْ يَرِي تَكْفِيرَهُمْ، فَيَقُولُ لَهُ الْآخْرُ: إِنَّمَا ذَلِكَ مِنْ قَتْلِهِمْ لِخُروجِهِمْ عَلَى الْمُسْلِمِينَ، وَبِعَيْهِمْ عَلَيْهِمْ بِدَلِيلِهِ مِنَ الْحَدِيثِ نَفْسِهِ: يَقْتُلُونَ أَهْلَ الْإِسْلَامِ، فَقَتْلُهُمْ هَاهُنَا حَدٌّ لَا كُفُرٌ. وَذُكْرُ عَادٍ تَشْبِيهُ لِلْقَتْلِ وَحْلَهِ، لَا لِلْمُقْتُلِوْنَ، وَلَيْسَ كُلُّ مَنْ حُكِمَ بِقَتْلِهِ بِحُكْمٍ بِكُفْرِهِ. وَكَذَلِكَ قَوْلُهُ عليه السلام: يَمْرُقُونَ مِنَ الدِّينِ مُرْوَقَ السَّهْمِ مِنَ الرَّمَيَّةِ، ثُمَّ لَا يَعُودُونَ إِلَيْهِ حَتَّى يَعُودَ السَّهْمُ عَلَى فُوقِهِ. وَقَوْلُهُ: سَبَقَ الْفُرُثَ وَالدَّمْ يَدْلُّ عَلَى أَنَّهُ لَمْ يَتَعَلَّ مِنَ الْإِسْلَامِ بِشَيْءٍ.

¹ Al-Nawawī, *Sharḥ Ṣaḥīḥ Muslim*, 7:169–170.

The view of Mālik and his companions regarding the Kharijites varies concerning this, but they did not disagree about killing those who do this if they form a separate group. Repentance should be sought from them, and if they repent [well and good], otherwise they are to be killed. They only disagreed about an isolated individual who does this. . . . This is what Muhammad b. al-Mawwāz, ‘Abd al-Mālik b. Mājishūn and Imam Saḥnūn said concerning the Kharijites. The statement of Mālik in his *al-Muwaṭṭā* and the report narrated from ‘Umar b. ‘Abd al-‘Azīz explains,¹ ‘Repentance is to be sought from them. If they repent [well and good], otherwise they are to be killed’. Imam Ḥasan narrates from Imam Ibn al-Qāsim, ‘If they repent [well and good], otherwise they should be killed’. Something similar was mentioned in *al-Mabsūt*. He said, ‘They are Muslims, but should be killed for their evil opinion’. This was the practice of ‘Umar b. ‘Abd al-‘Azīz. On the other hand, Ibn Ḥabīb and others amongst our companions [in the Mālikī legal school] saw that they should be charged with disbelief.

[. . .] The Prophet ﷺ called the Kharijites ‘the most evil of creation’, and this is the quality of the disbelievers. He ﷺ also said, ‘They are the most evil group under the heavens. Glad tidings to the one who kills them or the one killed by them’. He ﷺ also said, ‘So wherever you find them, slay them [through an operation] like the people of ‘Ād’. The apparent meaning of these statements is that they are disbelievers—especially in the light of their comparison to the people of ‘Ād. Those who believe that they should be charged with disbelief infer their position from this hadith. Those who adopt the opposing viewpoint retort, ‘That is only due to their having gone out against the Muslims and transgressed against them. This is indicated in the hadith itself: “They will kill the people

¹ An early sect that believed in absolute free will and that man is the creator of his own acts. ED.

of Islam. . . ." So their killing is a prescribed punishment and not because of their alleged disbelief. The mention of the people of 'Ād is a simile which signifies killing them and its lawfulness, not the state of the one killed. Not everyone given a death sentence is charged with disbelief'. Furthermore [those who believe that the Kharijites are disbelievers infer their view] from the hadith, 'They shall pass through the religion just as an arrow passes through a hunted game, never to return until an arrow returns to its bowstring', and his saying, 'It [the arrow] went too fast to be smeared with dung and blood', which indicates that he had no connection with Islam at all.¹

16.1 THE TWO POSITIONS OF THE IMAMS ON THE DISBELIEF OF THE KHARIJITES

The Imams of hadith, jurisprudence and Quranic exegesis have generally presented two positions regarding the disbelief of the Kharijites. Ibn Taymiyya said:

إِنَّ الْأُمَّةَ مُتَقْفِمُونَ عَلَى دَمِ الْعَوَارِجِ وَتَضْلِيلِهِمْ، وَإِنَّمَا تَنَازَعُوا فِي تَكْفِيرِهِمْ عَلَى قَوْلَيْنِ مَشْهُورَيْنِ، فِي مَذَهَبِ مَالِكٍ وَأَحْمَدَ، وَفِي مَذَهَبِ الشَّافِعِيِّ أَيْضًا نِزَاعٌ فِي كُفْرِهِمْ وَلِهَدَا كَانَ فِيهِمْ قَوْلَانِ. أَحَدُهُمَا: أَنَّهُمْ كُفَّارٌ كَالْمُرْتَدِّينَ، وَمَنْ قُدِرَ عَلَيْهِ مِنْهُمْ أَسْتَثِيبُ فَإِنْ تَابَ وَلَا قُتِلَ. وَالثَّانِي: أَنَّهُمْ بُغَاثٌ (وَلَا خِلَافٌ فِي جَوَارِقِهِمْ كَمَا ذُكِرَ مِنْ قَبْلٍ).

The *Umma* is unanimous in its condemnation of the Kharijites and in declaring them misguided; their only contention was regarding whether they are charged with disbelief [or not]. There are two well-known opinions in the legal school of Mālik and Ahmād concerning this, and there is also dispute about their disbelief in the legal school of al-Shāfi'ī. For this reason, there are two opinions regarding them: [One] that they are disbelievers

¹ Qādī 'Iyād, *al-Shifā*, pp. 842–843.

like apostates, and that repentance is to be sought from whomever amongst them is apprehended; and if he repents [well and good], otherwise he is to be killed. [Two] that they are rebels (as was mentioned earlier; there is no disagreement that it is permissible to kill them).¹

16.2 THE FIRST POSITION: THE KHARIJITES ARE DISBELIEVERS

A large group of scholars took the position that the Kharijites are disbelievers. They inferred their belief from numerous prophetic traditions about the Kharijites, most of which we have mentioned earlier, such as the Prophet's statement 

سَيَخْرُجُ قَوْمٌ فِي آخِرِ الزَّمَانِ، أَخْدَاثُ الْأَسْتَانِ، سُفَهَاءُ الْأَخْلَامِ. يَقْتُلُونَ مِنْ خَيْرِ
قَوْلِ الْبَرِّيَّةِ. لَا يُحَاوِرُ إِيمَانَهُمْ حَتَّى جُرُمُهُمْ. يَمْرُقُونَ مِنَ الدِّينِ كَمَا يَمْرُقُ السَّهْمُ مِنَ
الرَّمَيَّةِ، فَإِنَّمَا لَقِيَتُهُمْ فَاقْتُلُوهُمْ، فَإِنَّ فِي قَتْلِهِمْ أَجْرًا لِمَنْ قَتَلَهُمْ يَوْمَ الْقِيَامَةِ.

'At the end of time there shall appear a folk, young in age and foolish. They will speak the words of the best of people, but they shall pass through Islam just as an arrow passes through a hunted game. Wherever you encounter them, kill them [following the legal procedure], for killing them will be rewarded [by God] on the Day of Resurrection'.²

Here, the prophetic command to kill them and the mention of Divine reward establish that the Kharijites are disbelievers. Another proof for this position is the narration of Sufyān b. ‘Uyayna who reported from Abū Ghālib that Abū Umāma  said,

¹ Ibn Taymiyya, *Majmū‘ā al-fatāwā*, 28:518.

² Narrated by al-Bukhārī in *al-Šaḥīḥ: Kitāb istitāba al-murtaddīn wa al-mu‘ānidīn wa qitālīhim* [The Book on Demanding the Repentance of the Apostates and Reprobates, and Fighting Them], chapter: 'On Fighting the Kharijites and the Heretics after Establishing the Evidence against Them', 6:2539 §6531; Muslim in *al-Šaḥīḥ: Kitāb al-Zakāt* [The Book of Zakat], chapter: 'The Encouragement to Kill the Kharijites', 2:746 §1066; and al-Tirmidhī in *al-Sunan: Kitāb al-fitān* [The Book of Tribulations], chapter: 'Concerning the Trait of Renegades [*al-māriqa*]', 4:481 §2188.

شُرُّ قَتَلَى قُتُلُوا تَحْتَ أَدْنِيمِ السَّمَاءِ، وَخَيْرُ قَتَلِيلٍ مَنْ قَتُلُوا. كِلَابُ أَهْلِ النَّارِ، قَدْ كَانَ هُؤُلَاءِ مُسْلِمِينَ فَصَارُوا كُفَّارًا.

‘They are the most evil of those slain under the heavens, and the best of those killed is the one whom they kill. They are the dogs of Hell; they were Muslims and then [due to rebellion and revolt] became disbelievers’.¹

This narration is explicit, for it states that the Kharijites were previously Muslims, and then became disbelievers due to their self-made false beliefs.

16.2.1 IMAM AL-BUKHĀRĪ’S POSITION

The great scholar of hadith, Imam al-Bukhārī, penned a chapter in his *Ṣahīḥ* collection in which he sought to prove that the Kharijites are disbelievers. Ibn Ḥajar al-Asqalānī commented:

جُنْدَةٌ مِنَ الْعُلَمَاءِ الَّذِينَ قَاتَلُوا بِكُفْرِ الْغَوَارِقِ كَالْبُخَارِيِّ، حِيثُ قَرَنَهُمْ بِالْمُرْدَدِينَ وَأَفْرَدَ عَنْهُمُ الْمُسَأَوِّلِينَ بِسُرْجَمَةٍ قَالَ فِيهِ: بَابُ مَنْ تَرَكَ قِتَالَ الْغَوَارِقِ لِتَائِلُفٍ وَلِكُلَّ يَنْفِرَ النَّاسُ عَنْهُ.

A large body of scholars said that the Kharijites are to be charged with disbelief, such as al-Bukhārī, who compared them to apostates and heretics, and only singled out individuals [amongst them] who were subject to faulty interpretations, mentioning them in a separate chapter: ‘On the One Who Refrains from Fighting the Kharijites for the Sake of Drawing Hearts Near and so People Will Not Flee’.²

16.2.2 IMAM IBN JARĪR AL-TABARĪ’S POSITION

The early Qur’ānic exegete and historian, Imam al-Ṭabarī, said:

إِنَّهُ لَا يَجُوزُ قِتَالُ الْغَوَارِقِ وَقَتْلُهُمْ إِلَّا بَعْدَ إِقَامَةِ الْحُجَّةِ عَلَيْهِمْ، بِدُعَائِهِمْ إِلَى الرُّجُوعِ

¹ Narrated by Ibn Mājah in *al-Sunan*: ‘Introduction’, section: ‘Mention of the Kharijites’, 1:62 §176.

² Ibn Ḥajar al-Asqalānī, *Fath al-Bārī*, 12:313.

إِلَى الْحَقِّ، وَإِلَى الْغَدَارِ إِلَيْهِمْ، وَإِلَى ذَلِكَ أَشَارَ الْبُخَارِيُّ فِي التَّرْجِمَةِ بِالْآيَةِ الْمَذُكُورَةِ فِيهَا، وَاسْتَدَلَّ بِهِ لِمَنْ قَالَ بِتَكْفِيرِ الْخَوَارِجِ، وَهُوَ مُقْتَضَى صَيْغِ الْبُخَارِيِّ، حَيْثُ قَرَأَنَّهُمْ بِالْمُلْحِدِينَ، وَأَفَرَدَ عَنْهُمُ الْمُتَأْوِلِينَ تِرْجِمَةً.

It is impermissible to fight or kill the Kharijites before the evidence is established against them by inviting them to return to the truth and warning them. This was alluded to by al-Bukhārī in his chapter heading in which he mentioned the aforementioned verse. This is the proof used by those who believe that the Kharijites are to be charged with disbelief—and that is the implication of al-Bukhārī's action, for he compared them to heretics and singled out individuals [amongst them] who were subject to faulty interpretations, mentioning them in a separate chapter.¹

Ibn Ḥajar al-Asqalānī explained al-Ṭabarī's viewpoint, commenting:

مَمَّنْ جَنَحَ إِلَى بَعْضِ هَذَا الْبَحْثِ: الْطَّبِّيُّ فِي تَهْذِيْهِ، فَقَالَ بَعْدَ أَنْ سَرَّدَ أَحَادِيثَ الْبَابِ: فِيهِ الرَّدُّ عَلَى قَوْلِ مَنْ قَالَ: لَا يَخْرُجُ أَحَدٌ مِّنَ الْإِسْلَامِ مِنْ أَهْلِ الْقِبْلَةِ بَعْدَ اسْتِخْفَافِهِ حُكْمَهُ، إِلَّا بِقَصْدِ الْخُرُوجِ مِنْهُ عَالِمًا، فَإِنَّهُ مُبْطَلٌ لِقَوْلِهِ فِي الْحَدِيثِ: يَقُولُونَ الْحَقَّ، وَيَقْرُؤُونَ الْقُرْآنَ، وَيَمْرُّونَ مِنَ الْإِسْلَامِ، وَلَا يَتَعَلَّفُونَ مِنْهُ بِشَيْءٍ.

Al-Ṭabarī was of those who inclined to some of the views presented here. He said in *al-Tahdhīb*, after having mentioned some of the same hadith in this chapter: ‘This is a refutation of those who said that no one can leave the fold of Islam from the people of the *qibla*, after its ruling is established for him, except with his full knowledge and intent. This contradicts [the Prophet’s] saying in the hadith, “They will speak the truth and recite the Qur’ān, but they will exit from Islam and grasp nothing of it”.’²

¹ Ibid., 12:299.

² Ibid., 12:300.

16.2.3 IMAM ABŪ HĀMID AL-GHAZĀLĪ'S POSITION

The Proof of Islam, Imam Abū Hāmid al-Ghazālī, held that the Kharijites are disbelievers. Ibn Ḥajar al-‘Asqalānī said,

قالَ الفَرَّالِيُّ فِي "الْوَسِيطِ": تَبَعَا لِغَيْرِهِ فِي حُكْمِ الْخَوَارِجِ وَجِهَانِ، أَحَدُهُمَا: أَنَّهُ كَحُكْمِ أَهْلِ الرَّدَّةِ، وَالثَّانِي: أَنَّهُ كَحُكْمِ أَهْلِ الْبَيْنِ، وَرَجَحَ الرَّافِعِيُّ الْأَوَّلَ.

'In *al-Wasīṭ*, al-Ghazālī said (following others): There are two positions regarding the judgment on Kharijites: "They take the ruling of apostates or the ruling of rebels", and al-Rāfi‘ī declared the first view preponderant'.¹

16.2.4 AL-QĀDĪ ABŪ BAKR IBN AL-‘ARABĪ'S POSITION

Al-Qādī Abū Bakr Muhammad b. ‘Abd Allāh b. al-‘Arabī al-Mālikī is considered one of the most prominent Islamic scholars of Andalusia. He obtained his learning from eminent scholars like Imam al-Ghazālī and wrote *‘Āridat al-ahwadhbī*, a magisterial commentary on al-Tirmidhī's collection. Ibn Ḥajar mentioned that he also believed that the Kharijites were disbelievers:

بِذَلِكَ صَرَحَ الْقَاضِيُّ أَبُو بَكْرٍ بْنُ الْعَرَبِيِّ فِي شَرْحِ التَّرْمِذِيِّ قَالَ: الصَّحِيحُ أَنَّهُمْ كُفَّارٌ لِقَوْلِهِ ﷺ: يَمْرُقُونَ مِنَ الْإِسْلَامِ وَلِقَوْلِهِ: لَا قَتَلَنَّهُمْ قَتْلًا عَادِ، وَفِي لَفْظٍ: قَتْلًا ثَمُودًا، وَكُلُّ مِنْهُمَا إِنَّمَا هَلَكَ بِالْكُفْرِ، وَبِقَوْلِهِ: هُمْ شَرُّ الْخُلُقِ وَلَا يُوصَفُ بِذَلِكَ إِلَّا الْكُفَّارُ، وَلِقَوْلِهِ: إِنَّهُمْ أَبْعَضُ الْخُلُقِ إِلَى اللَّهِ تَعَالَى، وَلَخَكْمُهُمْ عَلَى كُلِّ مَنْ خَالَفَ مُعْتَقَدَهُمْ بِالْكُفْرِ وَالتَّحْلِيدِ فِي النَّارِ، فَكَانُوا هُمْ أَحَقُّ بِالْإِسْمِ مِنْهُمْ.

This was explicitly stated by al-Qādī Abū Bakr b. al-‘Arabī in his commentary on al-Tirmidhī's [collection]. He said, 'The correct position is that they are disbelievers, due to the Prophet's statements ﷺ, "They shall pass through Islam" and "I would slay them like the people of ‘Ad", and in another wording, "like the people of Thamūd". Both ‘Ad and Thamūd were destroyed because of disbelief. The Prophet ﷺ also said, "They are the worst

¹ Ibn Ḥajar al-‘Asqalānī, *Fath al-Bārī*, 12:285.

of creation”, and none but the disbelievers are described like that. He also said, “They are the most detested of creation in the sight of God Most High”. And because they ruled that everyone who opposed their belief was guilty of disbelief and would abide eternally in the Fire, they were more deserving of that than those whom they charged¹.

16.2.5 QĀDĪ IYĀD’S POSITION

Qādī Iyād, the renowned author of *al-Shifā*, one of the most famous and authentic books detailing the exalted rank of the Prophet Muhammad ﷺ, was also of the opinion that the Kharijites are disbelievers. He said in his commentary on *Sahīh Muslim*:

قالَ بَعْضُ شِيوخَنَا: قَالَ أَبُو سَعِيدٍ الْخُدْرِيُّ رَضِيَ اللَّهُ عَنْهُ يَقُولُ:

يَخْرُجُ فِي هَذِهِ الْأُمَّةِ - وَلَمْ يَقُلْ مِنْهَا - قَوْمٌ تَحْقِرُونَ صَلَاتَكُمْ مَعَ صَلَاتِهِمْ. قَالَ الْإِمَامُ (الْمَازِرِيُّ وَنَقَلَهُ التَّوْوِيُّ): هَذَا مِنْ أَدَلَّ الشَّوَاهِدِ عَلَى سَعَةِ فِيقِهِ الصَّحَابَةِ رَضِيَ اللَّهُ عَنْهُمْ، وَتَحْرِيرِهِمُ الْأَلْفَاظُ وَفَرْقُهُمْ بَيْنَ مَذْلُولَتِهَا الْحَفْيَةِ لِأَنَّ لَفْظَةَ ”مِنْ“ تَعْتَضِي كَوْنَهُمْ مِنْ الْأُمَّةِ لَا كُفَّارًا بِخِلَافِ ”فِي“، وَفِي تَنْبِيهِ الْخُدْرِيِّ عَلَى التَّسْفِيقِ بَيْنَ ”فِي“ وَ ”مِنْ“ إِشَارَةً حَسَنَةً إِلَى القَوْلِ بِتَكْثِيرِ الْحَوَارِجِ، لِأَنَّهُ أَفْهَمُهُمْ، بِإِنَّهُ لَمْ يَقُلْ مِنْهَا، دَلَّ عَلَى أَنَّهُمْ لَيْسُوا مِنْ أُمَّةِ مُحَمَّدٍ رَضِيَ اللَّهُ عَنْهُ، وَإِنْ كَانَ قَدْ رَوَى أَبُو ذَرٍ بَعْدَ هَذَا فَقَالَ: قَالَ رَضِيَ اللَّهُ عَنْهُ: إِنَّ مِنْ بَعْدِي مِنْ أُمَّتِي، أَوْ سَيَكُونُ مِنْ بَعْدِي مِنْ أُمَّتِي الْحَدِيثُ. وَفِي رِوَايَةِ عَلِيٍّ رَضِيَ اللَّهُ عَنْهُ: يَخْرُجُ مِنْ أُمَّتِي.

Some of our teachers reported, ‘Abū Sa‘id al-Khudrī رضي الله عنه said, “I heard the Messenger of God ﷺ say, ‘There shall appear a folk in this *Umma*’, and he did not say ‘from it’, ‘and you will belittle your prayers in comparison to theirs. . . .’” The Imam [al-Māzirī] said [and Imam al-Nawawī has quoted it], ‘This is one of the most telling testimonies to the deep understanding of the Companions and their exactitude in words and discrimination between

¹ Ibid., 12:299.

subtle indications. That is because the expression “from” implies that they are from the *Umma* and not disbelievers, contrary to the expression “in”. Al-Khudrī’s notice regarding the distinction between “from” and “in” is a fine allusion to the view that the Kharijites are to be charged with disbelief, because he explained that since he ﷺ did not say “from the *Umma*”, it indicates that they are not from the *Umma* of Muhammad ﷺ—even though Abū Dharr narrated after this statement: “He ﷺ said, ‘Indeed there shall be some from my *Umma* after me’ or ‘There shall be some from my *Umma* after me.’” And in the narration of ‘Alī ﷺ it reads, “There shall appear from my *Umma*”.¹

Seeking to reconcile between these two seemingly contradictory narrations, Ibn Ḥajar said, ‘This hadith is reconciled with Abū Sa‘id’s by stating that the meaning of *Umma* in the hadith of Abū Sa‘id is the *Umma* of Response, and the meaning of *Umma* in the others’ narrations is the *Umma* of Invitation’.²

It should be kept in mind that the *Umma* of Response is the Muslim *Umma* proper, whereas the *Umma* of Invitation is all of humanity to whom the Prophet ﷺ brought his message, whether they accept it or not. Imam al-Nawawī explained further:

فِيهِ إِشَارَةٌ مِّنْ أَيْمَانِي سَعِيدٍ إِلَى تُكْفِيرِ الْحَوَارِجِ، وَأَنَّهُمْ مِّنْ غَيْرِ هَذِهِ الْأُمَّةِ، وَفِي حَدِيثِ
الْحَوَارِجِ مِنْ أَخْبَارِ وَبَيْانِ الْغُيُوبِ مَا يَعْظُمُ مَوْقِعُهُ، مِنْهَا: إِشَارَاتُهُ إِلَى مَا يَكُونُ
بَعْدَهُ مِنْ اخْتِلَافِ الْأُمَّةِ فِي تُكْفِيرِهِمْ.

In this hadith there is an allusion from Abū Sa‘id al-Khudrī that the Kharijites are to be charged with disbelief and that they are not from this *Umma*. And the hadith about the Kharijites contains news of the unseen from the Prophet ﷺ regarding momentous events, such as his allusion to the disagreement the *Umma* would have about charging them [the Kharijites] with disbelief.³

¹ Qādī ‘Iyād, *Ikmāl al-mu‘līm bi fawā’id Muslim*, 3:612.

² Ibn Ḥajar al-‘Asqalānī, *Fath al-Bārī*, 12:289.

³ Ibid.

16.2.6 IMAM AL-QURTUBI'S POSITION

Imam Abū al-‘Abbās Aḥmad b. ‘Umar b. Ibrāhīm al-Anṣārī al-Qurtubī al-Mālikī was one of the eminent Islamic scholars of Córdoba. Although famous for his Qur’ānic exegesis, he was also the author of an authoritative and oft-quoted commentary on *Ṣaḥīḥ Muslim*. In it, he declared the Kharijites disbelievers.

قَوْلُ الْفَائِلِ فِي قِسْمَةِ النَّبِيِّ ﷺ: «هَذِهِ قِسْمَةٌ مَا أُرِيدُ بِهَا وَجْهُ اللَّهِ، أَوْ: مَا عُدِلَ فِيهَا»، قَوْلُ جَاهِلٍ بِحَالِ النَّبِيِّ ﷺ عَنْ طَبِيعَتِهِ، حَرَبِصٌ، مُنَافِقٌ. وَكَانَ حَقُّهُ أَنْ يُقْتَلُ، لِأَنَّهُ آذَى رَسُولَ اللَّهِ ﷺ، وَقَدْ قَالَ اللَّهُ تَعَالَى: «وَالَّذِينَ يُؤْذِنُونَ رَسُولَ اللَّهِ لَهُمْ عَذَابٌ أَلِيمٌ». فَالْعَذَابُ فِي الدُّنْيَا هُوَ: الْقَتْلُ، لَكُنْ لَمْ يَنْتَلِهِ النَّبِيُّ ﷺ لِلْمُعْنَى الَّذِي قَالَهُ، وَهُوَ مِنْ حَدِيثِ جَابِرٍ: لَا يَتَحَدَّثُ النَّاسُ: أَنَّ مُحَمَّداً يَقْتُلُ أَصْحَابَهُ، وَلَهُذِهِ الْعُلَةُ امْتَسَعَ النَّبِيُّ ﷺ مِنْ قَتْلِ الْمُنَافِقِينَ، مَعَ عِلْمِهِ بِأَعْيُانِ كَثِيرٍ مِنْهُمْ، وَبِنَفَاقِهِمْ. وَقَدْ أَمْنَتْ تِلْكَ الْعُلَةَ بَعْدَ رَسُولِ اللَّهِ ﷺ، فَلَا نِفَاقَ بَعْدَهُ، إِنَّمَا هُوَ الرَّنْدَقَةُ، وَهَذَا هُوَ الْحُقُّ وَالصَّوَابُ.

The statement of the one who said when the Prophet ﷺ was apportioning the war booty, ‘This apportioning is not for the sake of God’, or ‘is unjust’, is the statement of one ignorant of the Prophet’s state ﷺ. It is the statement of one who is coarse in nature, covetous and a hypocrite. He deserved to be put to death because he annoyed the Messenger of God, and God Most High said, ‘And those who annoy the Messenger of God will have a painful punishment’.^۱ The punishment in this life is death; however, the Prophet ﷺ did not kill him for the reason mentioned in the hadith of Jābir, ‘Lest the people say that Muhammad kills his Companions’. This is the rationale for the Prophet prohibiting the killing of the hypocrites, even though he knew the identities and hypocrisy of many of them. That rationale no longer applies after the

^۱ Qur’ān 9:61.

Messenger of God ﷺ. There is no hypocrisy after him; only heresy—and this is the truth and what is correct.^۱

In the light of the aforementioned Qur'anic verse, annoying the Messenger of God ﷺ is an act of blasphemy, which some scholars held was enough to charge the Kharijites with disbelief. Elsewhere, al-Qurtubī said:

لَئِنْ أَذْرَكُهُمْ لَا قَتَلَنَّهُمْ قَتْلَ عَادٍ، وَفِي الْأُخْرَى: قَتْلَ ثَمُودَ، وَمَعْنَى هَذَا: لَئِنْ أَذْرَكُهُمْ لَيَقْتَلَنَّهُمْ قَتْلًا عَامًّا، بِحِيثُ لَا يُبَيِّنُ مِنْهُمْ أَحَدًا فِي وَقْتٍ وَاحِدٍ، لَا يُؤْتَنُزْ قَتْلَ بَعْضِهِمْ عَنْ بَعْضٍ، وَلَا يُقْبِلُ أَحَدًا مِنْهُمْ، كَمَا فَعَلَ اللَّهُ بِعَادٍ؛ حِيثُ أَهْلَكَهُمْ بِالرَّبِيعِ الْعَقِيمِ، وَشَمُودَ حِيثُ أَهْلَكَهُمْ بِالصَّيْحَةِ. قُلْتُ: وَمَقْصُودُ هَذَا التَّشْيِيلُ: أَنَّ هَذِهِ الطَّائِفَةَ حَرَجَتْ مِنْ دِينِ الْإِسْلَامِ، وَلَمْ يَتَعَلَّقْ بِهَا مِنْهُ شَيْءٌ، كَمَا خَرَجَ هَذَا السَّيِّئُمُ مِنْ هَذِهِ الْمُرْمِمَةِ الَّذِي لِشَدَّةِ النَّزَعِ، وَسُرْعَةِ السَّهْمِ، سَيَقْ خُرُوبُهُ خُرُوجُ الدَّمِ، بِحِيثُ لَا يَتَعَلَّقْ بِهِ شَيْءٌ ظَاهِرٌ، كَمَا قَالَ: سَيَقْ الْفُرْثَ وَالدَّمُ. وَيُظَاهِرُ هَذَا التَّشْيِيلُ تَمَسُّكَ مِنْ حَكْمَ بِتَكْفِيرِهِمْ مِنْ أَئْمَانِنَا، وَقَدْ تَوَقَّفَ فِي تَكْفِيرِهِمْ كَثِيرٌ مِنَ الْعُلَمَاءِ لِلْوَلِهِ ﷺ: فَيَسْمَارِي فِي الْفُوقِ، وَهَذَا يَقْضِي بِأَنَّهُ يَسْكُنُ فِي أَمْرِهِمْ فَيَتَوَقَّفُ فِيهِمْ، وَكَانَ الْقَوْلُ الْأَوَّلُ أَيْ بِالْكُفَّرِ، أَظْهَرُ مِنَ الْحَدِيدِ.

[The Prophet's ﷺ statement,] ‘If I were to encounter them I would slay them like the people of ‘Ād’, and in another wording, ‘like the people of Thamūd’, means that if he were to encounter them he would kill them all, in the sense that not a single one of them would remain at one given time, and none of them would be left for another day—just as God dealt with ‘Ād, destroying them with a grievous wind, and destroying Thamūd with the dreadful shriek. I say: The intent behind this simile is that this group has left the religion of Islam and are not connected with it in any way, just as this arrow exited from that hunted game which, due to the severity of its draw and its speed, exited [the body] before blood came out and

^۱ Muhammad al-Qurtubī, *al-Mufhim*, 3:107.

nothing was attached to it. This is just as he said, ‘too fast to be smeared with blood or dung’. Our imams who ruled that the Kharijites are to be charged with disbelief held to the import of this simile, although many scholars hesitated in charging them with disbelief due to the Prophet’s saying ﷺ [at the end of the aforementioned hadith], ‘It is doubtful that anything will hang on to it’, which implies that there is a degree of doubt regarding them, and thus there is hesitation with respect to their ruling. It seems that the first view, that of charging them with disbelief, is more apparent in the hadith.¹

Ibn Ḥajar al-‘Asqalānī commented on al-Qurṭubī’s words:

يُؤَيِّدُ الْقَوْلُ بِتَكْفِيرِهِمُ التَّمِثِيلُ الْمَذُكُورُ فِي حَدِيثِ أَبِي سَعِيدٍ، فَإِنَّ ظَاهِرًا مَقْصُودُهُ أَنَّهُمْ حَرَجُوا مِنَ الْإِسْلَامِ، وَلَمْ يَتَعَلَّقُوا مِنْهُ بِشَيْءٍ، كَمَا حَرَجَ السَّهْمُ مِنَ الرَّمَيَةِ لِسُرْعَتِهِ وَقُوَّتِهِ رَامِيَّهُ، بِحَيْثُ لَمْ يَتَعَلَّقْ مِنَ الرَّمَيَةِ بِشَيْءٍ.

The simile within the hadith of Abū Sa‘id supports the view that they are to be charged with disbelief, for its apparent meaning is that they have left the fold of Islam and have no connection with it whatsoever, just as an arrow exits from a hunted game due to its speed and the strength of the archer, leaving no trace of the game on it.²

16.2.7 SHAYKH IBN TAYMIYYA’S POSITION

Shaykh Ibn Taymiyya believed that the Kharijites were disbelievers. Writing about their emergence, beliefs and appearance, he said:

الْمَقْصُودُ هُنَا أَنَّ الْحَوَارِجَ ظَهَرُوا فِي الْفُتْنَةِ، وَكَفَرُوا عَنْمَانَ وَعَلِيًّا رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا وَمَنْ وَالآخَرُمَا . . . وَكَانُوا كَمَا وَصَفُوهُمُ النَّبِيُّ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَسَلَّمَ: يَقْتُلُونَ أَهْلَ الْإِسْلَامِ وَيَدْعُونَ أَهْلَ الْأَوْثَانِ . . . وَكَانُوا أَعْظَمُ النَّاسِ صَلَاةً وَصِيَامًا وَقِرَاءَةً، كَمَا قَالَ النَّبِيُّ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَسَلَّمَ: يَحْقِرُ أَحَدُكُمْ صَلَاتَهُ مَعَ صَلَاتِهِمْ، وَصِيَامَهُ مَعَ صِيَامِهِمْ، وَقِرَاءَتَهُ مَعَ قِرَاءَتِهِمْ، يَقْرَئُونَ الْقُرْآنَ لَا يُجَاوِزُ

¹ Ibid., 3:110.

² Ibn Ḥajar al-‘Asqalānī, *Fath al-Bārī*, 12:300.

خَنَاجِرُهُمْ، يَمْرُّونَ مِنَ الْإِسْلَامِ كَمَا يَمْرُقُ السَّهْمُ مِنَ الرَّمَةِ. وَمُرْوُقُهُمْ مِنْهُ: خُرُوجُهُمْ،
بِاسْتِحْلَالِهِمْ دِمَاءَ الْمُسْلِمِينَ وَأَمْوَالَهُمْ. فَإِنَّهُ قَدْ ثَبَّتَ عَنْهُ ﷺ فِي الصَّحِّحِ، أَنَّهُ ﷺ
قَالَ: الْمُسْلِمُ مَنْ سَلَمَ الْمُسْلِمُونَ مِنْ لِسَانِهِ وَدَيْرِهِ وَفَمْ بَسَطُوا فِي الْمُسْلِمِينَ
أَيْدِيهِمْ وَأَلْسُنَتِهِمْ فَخَرَجُوا مِنْهُ (أَيْ مِنَ الْإِسْلَامِ).

The point here is to state that the Kharijites emerged during a time of tribulation and declared ‘Uthmān and ‘Alī disbelievers, as well as those who allied with them. . . . As the Prophet ﷺ described them, they would ‘kill the people of Islam and leave the idol worshippers’. The Prophet ﷺ said they were the most assiduous of people when it came to prayers, fasting and recitation: ‘You will consider your prayers, fasting and recitation insignificant in comparison to theirs. They shall recite the Qur’ān but it will not pass their throats. They shall exit from Islam just as an arrow exits a hunted game’. Their ‘exiting’ from it means their leaving it due to their belief that it is lawful to shed the blood of the Muslims and seize their wealth. It is established in the rigorously authentic collection [of al-Bukhārī] that he ﷺ said, ‘The Muslim is he from whose tongue and hand the Muslims are safe’ . . . and they [on the other hand] extended their hands, harming the Muslims with their hands [through armed struggle and terrorist activities] and tongues [declaring them infidels], and so they left it [i.e., Islam].¹

16.2.8 IMAM TAQĪ AL-DĪN AL-SUBKĪ'S POSITION

Imam Taqī al-Dīn Abū al-Ḥasan ‘Alī b. ‘Abd al-Kāfī al-Subkī was one of the eminent latter-day scholars and jurists and author of *Shifā al-siqām*, a well-known book about seeking means through the person of the Prophet ﷺ and undertaking journeys to visit him at his tomb. In his collection of formal legal verdicts, he declared the Kharijites disbelievers. Ibn Hajar al-‘Asqalānī said:

¹ Ibn Taymiyya, *al-Nubuwwāt*, p. 225.

مِمَّنْ جَنَحَ إِلَى ذَلِكَ مِنْ أَئِمَّةِ الْمُتَّاخِرِينَ الشَّيْخُ تَقَوْيُ الدِّينِ السُّبْكِيُّ فَقَالَ فِي فَتاوِيهِ:
إِحْتَجَّ مِنْ كَفَرِ الْخَوَارِجَ وَغُلَامَ الرَّوَافِضِ بِتَكْفِيرِهِمْ أَعْلَامَ الصَّحَابَةِ لِتَكْدِيبِ
الَّتِي فِي شَهَادَتِهِ لَهُمْ بِالْجَنَّةِ، قَالَ: وَهُوَ عِنْدِي احْتِجاجٌ صَحِيفٌ.

Shaykh Taqī al-Dīn al-Subkī was of the latter-day imams who inclined to that view. He said in his collection of legal verdicts, ‘Those who charged the Kharijites and the extremist Shiites with disbelief argued that they were disbelievers because they charged the notable Companions with disbelief, for that entails belying the Prophet ﷺ in his testimony that they are in Paradise. And as I see it, this argument is valid’.¹

It should be pointed out that someone can be from the Kharijites without necessarily charging the Companions with disbelief. The great Hanafī jurist, Ibn Ḥāmid al-Shāmī stated,

يُكَفِّرُونَ أَصْحَابَ نَبِيِّنَا ﷺ، عَلِمْتُ أَنَّ هَذَا غَيْرُ شَرْطٍ فِي مُسَمَّى الْخَوَارِجِ، بَلْ
هُوَ بَيَانٌ لِمَنْ خَرَجُوا عَلَى سَيِّدِنَا عَلِيٍّ ﷺ، وَإِلَّا فَيُكَفِّي فِيهِمْ اعْتِقَادُهُمْ كُفُرًا مِنْ
خَرَجُوا عَلَيْهِ.

‘They charged the Companions of our Prophet ﷺ with disbelief; but you should know that this is not a prerequisite for the term Kharijite; rather, it is but an explanation regarding those who rebelled against our master ‘Alī ﷺ. Otherwise, it suffices that they believe the one whom they rebel against is a disbeliever’.²

16.2.9 IMAM ABŪ ISHĀQ AL-SHĀTIBĪ’S POSITION

The great jurist and legal theorist of the Mālikī school, Imam al-Shātibī, said about the Kharijites:

أَلَا تَرَى أَنَّ الْخَوَارِجَ كَيْفَ خَرَجُوا عَنِ الدِّينِ كَمَا يَخْرُجُ السَّهُومُ مِنِ الصَّيْدِ الْمُرْمِيِّ؟

¹ Ibn Hajar al-Asqalānī, *Fath al-Bārī*, 12:299–300.

² Ibn Ḥāmid, *Radd al-muhtār*, 4:262.

لَأَنَّ رَسُولَ اللَّهِ ﷺ وَصَفَهُمْ بِأَنَّهُمْ يَقْرُؤُونَ الْقُرْآنَ لَا يُجَاوِرُ تَرَاقِيَّهُمْ، أَنَّهُمْ لَا يَتَعَقَّهُونَ بِهِ حَتَّى يَصِلَ إِلَى قُلُوبِهِمْ. . . فَإِنَّهُ إِذَا عَرَفَ الرَّجُلُ فِيمَا نَزَّلَتِ الْآيَةُ، أَوِ السُّورَةُ عَرَفَ مَحْرَجَهَا وَتَأْوِيلَهَا وَمَا قَصَدَ بِهَا، . . . وَإِذَا جَهَلَ فِيمَا نَزَّلَتِ احْتَمَلَ النَّظَرُ فِيهَا أَوْجَهًا. . . وَلَيْسَ عِنْدَهُمْ مِنَ الرُّسُوخِ فِي الْعِلْمِ، مَا يَهْدِيهِمْ إِلَى الصَّوَابِ أَوْ يَقِيفُ بِهِمْ دُونَ افْتِحَامِ حَمَى الْمُشَكَّلَاتِ. فَلَمْ يَكُنْ بُدْ مِنَ الْأَحْدُدِ بِبَادِي الرَّأْيِ أَوِ التَّأْوِيلِ بِالْتَّخَرُصِ الَّذِي لَا يَعْنِي مِنَ الْحَقِّ شَيْئًا إِذْ لَا ذَلِيلٌ عَلَيْهِ مِنَ الشَّرِيعَةِ فَضَلُّوا وَأَضَلُّوا.

وَمِمَّا يُوضَّحُ ذَلِكَ مَا خَرَجَهُ ابْنُ وَهْبٍ عَنْ بُكَيْرٍ أَنَّهُ سَأَلَ نَافِعًا: كَيْفَ رَأَى ابْنُ عُمَرَ فِي الْحَرُورِيَّةِ؟ قَالَ: بِرَاهِمٍ شَرَّارَ حَلْقَ اللَّهِ. إِنَّهُمْ انْطَلَقُوا إِلَى آيَاتٍ أُنْزَلَتْ فِي الْكُفَّارِ فَجَعَلُوهَا عَلَى الْمُؤْمِنِينَ. فَسُرَّ سَعِيدُ بْنُ جُبَيْرٍ مِنْ ذَلِكَ، فَقَالَ: مِمَّا يَتَبَعَّعُ الْحَرُورِيَّةُ مِنَ الْمُتَشَابِهِ قَوْلُ اللَّهِ تَعَالَى: «وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكُفَّارُونَ». وَيَقْرُنُونَ مَعَهَا: «ثُمَّ أَلَّذِينَ كَفَرُوا بِرَبِّهِمْ يَعْدُلُونَ». رَأَوْا الْإِمَامَ يَحْكُمُ بِغَيْرِ الْحَقِّ. قَالُوا: فَقَدْ كَفَرَ وَمَنْ كَفَرَ عَدَلَ بِرَبِّهِ فَقَدْ أَشْرَكَ فَهَذِهِ الْأُمَّةُ مُشْرِكُونَ، فَيَخْرُجُونَ، فَيُقْتَلُونَ، مَا رَأَيْتُ لِأَنَّهُمْ يَتَأَوَّلُونَ هَذِهِ الْآيَةُ. فَهَذَا مَعْنَى الرَّأْيِ الَّذِي تَبَأَّهَ عَلَيْهِ ابْنُ عَبَّاسٍ وَهُوَ النَّاسِيُّ عَنِ الْجَهْلِ بِالْمَعْنَى الَّذِي نَزَّلَ فِيهِ الْقُرْآنُ. وَقَالَ نَافِعٌ: إِنَّ ابْنَ عُمَرَ كَانَ إِذَا سُئِلَ عَنِ الْحَرُورِيَّةِ، قَالَ: يُكَفِّرُونَ الْمُسْلِمِينَ وَيَسْتَحْلُونَ دِمَاءَهُمْ وَأَمْوَالَهُمْ.

Do you not see how the Kharijites exited from the religion just as an arrow exits from a hunted game? That is because the Messenger of God ﷺ described them, saying that they will recite the Qur'ān but it will not pass their throats; that is because they do not gain a deep understanding of it, which would allow it to reach their hearts. . . . So when someone knows the circumstances behind the revelation of a Qur'ānic verse, or the chapter, he will know its context, interpretation and what was meant by it. . . . [A]nd when he is ignorant of the circumstances behind its revelation,

the mind will consider multiple possibilities. They do not have grounding in knowledge that would guide them to what is correct or prevent them from trespassing beyond the boundaries of problematic areas. For that reason it is inevitable that a shallow opinion is taken or that there is a baseless interpretation founded on conjecture that does not suffice for the truth, for there is no evidence in support of it in the Sacred Law. As a consequence of this, they went astray and led others astray.

This is further explained by the report narrated by Wahb from Bukayr, who mentioned that he asked Nāfi‘, ‘What was Ibn ‘Umar’s view regarding the Ḥarūriyya?’ Nāfi‘ replied, ‘He believed that they were the worst of God’s creation. They took the verses revealed about the disbelievers and applied them to the believers’. Sa‘īd b. Jubayr explained that and said, ‘Of the ambiguous verses that the Ḥarūriyya follow is God’s words: *‘And whoever does not judge by what God has revealed, then they are the disbelievers’* [Qur’ān 5:44], juxtaposed with the verse, *‘Yet those who disbelieve hold others as equal with their Lord’* [Qur’ān 6:1]. When they see the ruler judge unjustly they proclaim, “He has disbelieved, and whoever disbelieves has held [himself] equal with his Lord and is therefore an idolater, hence the *Umma*, too, are idolaters!” Then they revolt and kill. As far as I see it, it is because they [falsely] interpret this verse’. This is the meaning of ‘opinion’ that Ibn ‘Abbās  mentioned: One that stems from ignorance of the meaning with which the Qur’ān was revealed. Nāfi‘ said, ‘When Ibn ‘Umar  was asked about Ḥarūriyya he would reply, “They charge the Muslims with disbelief and declare their blood and wealth lawful”.’¹

16.2.10 IMAM IBN AL-BAZZĀZ AL-KURDARĪ’S POSITION

Imam Ḥāfiẓ al-Dīn Ibn al-Bazzāz al-Kurdarī, a renowned Ḥanafī authority of the ninth century, said in his collection of legal

¹ Abū Ishāq al-Shāṭibī, *al-I’tiṣām*, 4:182–184.

verdicts,

يَحِبُّ إِكْفَارُ الْخَوَارِجِ فِي إِكْفَارِهِمْ جَمِيعُ الْأُمَّةِ سِوَاهُمْ.

'It is obligatory to charge the Kharijites with disbelief due to their having charged everyone of the *Umma* but themselves with disbelief'.¹

16.2.11 IMAM BADR AL-DĪN AL-‘AYNĪ’S POSITION

Imam Badr al-Dīn al-‘Aynī writes in his commentary on *Ṣahīh al-Bukhārī*:

قَوْلُهُ ﷺ: يَمْرُقُونَ مِنَ الدِّينِ، مِنَ الْمُرْوَقِ وَهُوَ الْخُرُوجُ. يُقَالُ: مَرَقَ مِنَ الدِّينِ مُرْوِقًا، خَرَجَ مِنْهُ بِإِدْعَيْهِ وَضَالَّتِهِ. وَفِي رِوَايَةِ سُوَيْدِ بْنِ عَفْلَةَ عِنْدَ النَّسَائِيِّ وَالْطَّبَرِيِّ: يَمْرُقُونَ مِنَ الْإِسْلَامِ.

The Prophet’s statement ﷺ, ‘They shall pass through the religion’, uses the word *murūq*, which is to exit. It is said, ‘So-and-so exited the religion [*maraqa*]’ when he left it due to his blameworthy innovation and misguidance. In the narration of Suwayd b. Ghafra in the collections of al-Nasā’ī and al-Tabarī it says, ‘They shall pass through Islam’.²

16.2.12 IMAM AḤMAD B. MUHAMMAD AL-QASṬALĀNĪ’S POSITION

Imam Aḥmad b. Muhammad al-Qastalānī said in his commentary on *Ṣahīh al-Bukhārī*:

يَخْرُجُ فِي هَذِهِ الْأُمَّةِ الْمُحَمَّدِيَّةِ، وَلَمْ يَقُلْ مِنْهَا، فِيهِ ضَبْطٌ لِلرِّوَايَةِ وَتَحْرِيرٌ لِمَوَاقِعِ الْأَلْفَاظِ وَإِشْعَارٌ بِأَنَّهُمْ لَيَسُوَانِ هَذِهِ الْأُمَّةَ فَظَاهِرُهُ أَنَّهُ يَرِي إِكْفَارَهُمْ لَكِنْ فِي مُسْلِمٍ مِنْ حَدِيثِ أَبِي ذَرٍ: سَيَكُونُ بَعْدِي مِنْ أُمَّتِي قَوْمٌ فَيُجْمِعُ بَيْنَهُ وَبَيْنَ حَدِيثِ أَبِي سَعِيدٍ بْنِ الْمُزَادِ فِي حَدِيثِ أَبِي سَعِيدٍ بِالْأُمَّةِ أُمَّةُ الْإِجَاجَةِ وَفِي غَيْرِهِ أُمَّةُ الدَّعْوَةِ.

¹ Ibn al-Bazzāz, *al-Fatāwā al-bazzāziyya* ‘alā hāmish al-fatāwā al-‘ālamghīriyya, 6:318.

² Badr al-Dīn al-‘Aynī, ‘Umdat al-qārī, 16:209.

The report, ‘There shall appear in this [Muhammadan] *Umma* . . .’ ‘and he did not say, ‘from this *Umma*’, is a case of exactitude in the narration and clarity in expression. It gives the impression that they are not from this *Umma*. The apparent wording shows that he believed that they are to be charged with disbelief; however, in Muslim’s narration from the hadith of Abū Dharr it reads, ‘There shall appear a folk from my *Umma* after me’. This hadith is reconciled with the hadith of Abū Sa‘īd by stating that the *Umma* in Abū Sa‘īd’s narration is the *Umma* of Response, and the *Umma* in Abū Dharr’s narration is the *Umma* of Invitation.¹

16.2.13 MULLĀ ‘ALĪ AL-QĀRĪ’S POSITION

Mullā ‘Alī al-Qārī said in *Mirqāt al-mafātīh*,

يَحْتَمِلُ أَنْ يُقَالَ لَهُمْ شَبَّهُ بِأَهْلِ الْحَقِّ لِغُلوْهُمْ فِي تَكْفِيرِ أَهْلِ الْمَعْصِيَةِ، وَلَكِنَّهُمْ أَهْلُ الْبَاطِلِ لِمُخَالَقَتِهِمُ الْإِجْمَاعُ.

‘It could be said that with their charges of disbelief against disobedient people they bear a resemblance to the people of truth [Muslims]; however, they are the people of falsehood [disbelief] because of their opposition to scholarly consensus’.²

16.2.14 SHAYKH ‘ABD AL-HAQQ AL-DIHLAWĪ’S POSITION

The renowned Indian scholar, Shaykh ‘Abd al-Haqq al-Dihlawī, said, ‘The correct position is that fighting the Kharijites in every age is an act for which one earns reward, as our master ‘Alī  ordered that they be fought due to their transgression, and this is the well-known position. And the Kharijites believed that even the person who commits sins is a disbeliever—both major and minor sins’.³

¹ Ahmad al-Qastalānī, *Irshād al-sārī*, 10:85–86.

² Al-Qārī, *Mirqāt al-mafātīh sharḥ mishkāt al-maṣābīh*, 7:107.

³ ‘Abd al-Haqq al-Dihlawī, *Ash’at al-lama’āt*, 3:254.

16.2.15 SHĀH ‘ABD AL-‘AZĪZ AL-DIHLAWĪ’S POSITION

According to Shāh ‘Abd al-‘Azīz al-Dihlawī, the disbelief of the Kharijites is agreed upon. He said, ‘Indeed, it is a point of scholarly consensus that all who fought against ‘Alī out of enmity and hatred are considered disbelievers’.¹

16.2.16 IMAM IBN ‘ĀBIDĪN AL-SHĀMĪ’S POSITION

Ibn ‘Ābidīn al-Shāmī said:

يُكَفِّرُونَ أَصْحَابَ بَيْتِنَا ﷺ، عَلِمْتُ أَنَّ هَذَا غَيْرُ شَرِطٍ فِي مُسَمَّى الْخَوَارِجِ، بَلْ هُوَ
بَيَانٌ لِمَنْ حَرَجُوا عَلَى سَيِّدِنَا عَلِيٍّ عليه السلام، وَإِلَّا فِي كُفَّارِ فِيهِمْ اعْتِقَادُهُمْ كُفْرٌ مِنْ حَرَجِهِمْ
عَلَيْهِ . . . حُكْمُ الْخَوَارِجِ عِنْدَ جُمُهُورِ الْفُقَهَاءِ وَالْمُحَدِّثِينَ حُكْمُ الْبَغَاءِ، وَذَهَبَ
بَعْضُ الْمُحَدِّثِينَ إِلَى كُفْرِهِمْ.

They charged the Companions of our Prophet ﷺ with disbelief; but know that this is not a pre-requisite for the term Kharijites; rather, it is but an explanation regarding those who rebelled against our master ‘Alī عليه السلام. Otherwise, it suffices that they believe the one whom they rebel against is a disbeliever [for their disbelief]. . . . According to the majority of the jurists and hadith scholars, the Kharijites are judged as rebels, and some of the hadith scholars took the position that they are disbelievers.²

16.2.17 SHAYKH ‘ABD AL-RAHMĀN MUBĀRAKPŪRĪ’S POSITION

The famous hadith scholar of India, ‘Abd al-Rahmān Mubārakpūrī, said,

”إِنَّمَا هُمُ الْخَوَارِجُ“ جَمْعُ خَارِجَةٍ، وَهُمْ قَوْمٌ مُبْتَدِعُونَ سُمِّوا بِذَلِكَ لِخُرُوجِهِمْ عَنِ
الدِّينِ وَخُرُوجِهِمْ عَلَى حِيَارِ الْمُسْلِمِينَ. وَمِمَّنْ ذَهَبَ إِلَى تَكْثِيرِهِمْ أَيْضًا الْحَسَنُ بْنُ
مُحَمَّدٍ بْنِ عَلِيٍّ وَرَوَايَةُ عَنِ الْإِمَامِ الشَّافِعِيِّ وَرَوَايَةُ عَنِ الْإِمَامِ مَالِكٍ وَطَائِفَةٌ مِنْ أَهْلِ
الْحَدِيثِ.

¹ ‘Abd al-‘Azīz al-Dihlawī, *Tuhfat ithnā ash‘arīyya*, p. 795.

² Ibn ‘Ābidīn, *Radd al-muhtār*, 4:262.

‘They are but Kharijites’: [Khawārij] is the plural of ‘khārija’ [‘he who went out’], and they are a group of blameworthy innovators given that name because of their having left the religion and the best of the Muslims. Those who held that they are to be charged with disbelief include al-Hasan b. Muhammad b. ‘Alī, and there is also a narration to that effect from Imam al-Shāfi‘ī, Imam Mālik and a group from the traditionists [*ahl al-hadīth*].¹

16.3 THE SECOND POSITION: THE KHARIJITES ARE REBELS

Another group of scholars observed caution and did not charge the Kharijites with disbelief. Instead, they labelled them as rebels and agreed that they should be fought. Furthermore, the scholars who charged the Kharijites with disbelief also held that they are rebels and should be fought. So although there is a difference of opinion regarding the disbelief of the Kharijites, there is a consensus that they are to be fought against. Imam Ibn Qudāma al-Maqdisī said:

الْخَوَارِجُ الَّذِينَ يُكَفِّرُونَ بِالذَّنْبِ، وَيُكَفِّرُونَ عُثْمَانَ وَعَلَيًّا وَطَلْحَةَ وَالزُّبَيرَ، وَكَثِيرًا مِنَ
الصَّاحِبَاتِ، وَيَسْتَحْلِلُونَ دِمَاءَ الْمُسْلِمِينَ، وَأَمْوَالَهُمْ، إِلَّا مَنْ خَرَجَ مَعَهُمْ، فَظَاهِرٌ قَوْلُ
الْفُقَهَاءِ مِنْ أَصْحَابِنَا الْمُتَأْخِرِينَ أَتَهُمْ بُغَاثَةٌ، حُكْمُهُمْ حُكْمُ الْبُغَاثِ، وَلَا خِلَافٌ فِي
قَتْلِهِمْ فَإِنَّهُ حُكْمٌ مَنْصُوصٌ عَلَيْهِ بِأَمْرِ النَّبِيِّ ﷺ. وَهَذَا قَوْلُ أَبِي حِيْفَةَ، وَالشَّافِعِيِّ،
وَجُمُهُورُ الْفُقَهَاءِ، وَكَثِيرٌ مِنْ أَهْلِ الْحَدِيثِ.

The Kharijites are those who declare [others] disbelievers on account of sins, and who declare ‘Uthmān, ‘Alī, Ṭalḥa, Zubayr and many of the Companions disbelievers. And they believe it is lawful to shed the blood of the Muslims and to seize their wealth—except those of them who rebel along with them. The apparent view of the jurists from our latter-day colleagues is that they are rebels. They take the same ruling as the rebels and there is no disagreement about killing them, for it is a ruling that is textually stated in the Prophet’s command ﷺ. This is also the opinion

¹ Abd al-Rahmān Mubārakpūrī, *Tuhfat al-ahwadhi*, 6:354.

of Abū Ḥanīfa, al-Shāfi‘ī, the majority of the jurists and many of the traditionists [*ahl al-hadīth*].¹

The following is a list of scholars and jurists who only considered the Kharijites as rebels. It is worth noting that the responsibility of fighting rebels falls on the state; Islam does not allow vigilantism, no matter how noble the intention behind it.

16.3.1 IMAM ABŪ ḤANĪFA

Imam Abū Ḥanīfa ruled that the Kharijites are rebels that should be fought.

عَنْ أَبِي مُطْبِعٍ، قَالَ: قُلْتُ لِأَبِي حَيْيَةَ: مَا تَقُولُ فِي الْخَوَارِجِ الْمُحْكَمَةِ؟ قَالَ: هُمْ أَخْبَثُ الْخَوَارِجِ . قُلْتُ لَهُ: أَنْكَفَرُهُمْ؟ قَالَ: لَا . وَلَكِنْ نُقَاتِلُهُمْ عَلَى مَا قَاتَلُهُمُ الْأَئمَّةُ مِنْ أَهْلِ الْخَيْرِ: عَلَيْهِ وَعُمُرُ بْنُ عَبْدِ الْعَزِيزِ . قُلْتُ: فَإِنَّ الْخَوَارِجَ يُكَبِّرُونَ وَيُصْلُوْنَ وَيَسْتَلُوْنَ الْقُرْآنَ . قَالَ: أَمَا تَذَكَّرُ حَدِيثَ أَبِي أُمَامَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ حِينَ دَخَلَ مَسْجِدَ دِمْشِقَ، فَقَالَ لِأَبِي غَالِبِ الْحِمْصِيِّ: هُؤُلَاءِ كَلَابُ أَهْلِ النَّارِ، هُؤُلَاءِ كَلَابُ أَهْلِ النَّارِ، وَهُمْ شُرُّ قَتَلَى تَحْتَ أَدِيمِ السَّمَاءِ . (ثُمَّ ذَكَرَ حَدِيثًا طَوِيلًا) . قَالَ لَهُ: أَشَيْءُ تَقُولُهُ بِرَأْيِكَ أَمْ سَمِعْتَهُ مِنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَسَلَّمَ؟ قَالَ: إِنِّي لَوْلَمْ أَسْمَعْهُ مِنْهُ إِلَّا مَرَّةً أَوْ مَرَّتَيْنِ أَوْ ثَلَاثَ مَرَّاتٍ إِلَى سَبْعِ مَرَّاتٍ لَمَّا حَدَّثْتُكُمُوهُ .

Abū Muṭī^c said, ‘I said to Abū Ḥanīfa, “What do you say regarding the *Muḥkama* faction of the Kharijites?” He replied, “They are the vilest of the Kharijites”. I then asked him, “Should we fight them with disbelief?” He replied, “No; however, we fight them for the same reasons the Imams of goodness—‘Alī and ‘Umar b. ‘Abd al-‘Azīz—fought them”. I then said, “But the Kharijites cry out with the *takbīr* [saying, ‘Allāh akbar’ (God is the Greatest)], offer prayers and recite the Qur’ān”. He retorted, “Don’t you remember the hadith of Abū Umāma رَضِيَ اللَّهُ تَعَالَى عَنْهُ? He entered the Mosque of Damascus and said to Abū Ghālib al-Himṣī, ‘They are the dogs of Hellfire, they are

¹ Ibn Qudāma al-Maqdisī, *al-Muḡhnī*, 9:4.

the dogs of the Hellfire. They are the most evil of those slain under the heavens. . . .’ Abū Ghālib asked Abū Umāma, ‘Did you give your own opinion or did you hear that from the Messenger of God ﷺ?’ He replied, ‘Had I not heard it once, twice, thrice, four times, five times, six times or seven times, I would not have narrated it to you all’.”.¹

16.3.2 IMAM SHAMS AL-DĪN AL-SARAKHSĪ

The renowned jurist of the Ḥanafī school, Shams al-Dīn al-Sarakhsī, held that it is lawful to seek the aid and assistance of non-Muslim citizens [*ahl al-dhimma*] against the Kharijites:

لَا يَأْسَ بِأَنَّ يَسْتَعِينَ أَهْلُ الْعَدْلِ بِقَوْمٍ مِنْ أَهْلِ الْبَغْيِ وَأَهْلِ الدَّمَّةِ عَلَى الْخَوَارِجِ . . .
لَاَنَّهُمْ يُقَاتِلُونَ لِإِعْرَازِ الدِّينِ.

‘There is no harm in the people of justice seeking the aid of some people from the rebels and non-Muslim citizens against the Kharijites . . . because they are fighting for the sake of promoting the religion’.²

16.3.3 IBN HAJAR AL-ASQALĀNĪ

Ibn Hajar said in his commentary on *Ṣahīḥ al-Bukhārī*

فِي الْحَدِيثِ الْكَفُّ عَنْ قَتْلِ مَنْ يَعْتَقِدُ الْخُرُوجَ عَلَى الْإِمَامِ مَا لَمْ يَنْصَبْ لِذلِكَ حَرْبًا، أَوْ يَسْتَعِدْ لِذلِكَ، لِغُولِهِ لِغُولِهِ: فَإِذَا حَرَجُوا فَاقْتُلُوهُمْ. وَحَكَى الطَّبَرِيُّ الْإِجْمَاعَ عَلَى ذَلِكَ فِي حَقِّ مَنْ لَا يُكَفَّرُ بِإِعْتِقادِهِ، وَأَسْنَدَ عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ اللَّهُ كَتَبَ فِي الْخَوَارِجِ بِالْكَفُّ عَنْهُمْ مَا لَمْ يَسْفِكُوهُ دَمًا حَرَاماً، أَوْ يَأْخُذُوهُ مَالًا، فَإِنْ فَعَلُوهُ فَقَاتِلُوهُمْ، وَلَوْ كَانُوا وُلْدِي. وَمِنْ طَرِيقِ ابْنِ جُرِيْجِ: قُلْتُ لِعَطَاءِ: مَا يُحِلُّ لِي فِتْنَالُ الْخَوَارِجِ؟ قَالَ: إِذَا قَطَعُوا السَّبِيلَ، وَأَخَافُوا الْأَمْنَ. وَأَسْنَدَ الطَّبَرِيُّ عَنِ الْحَسَنِ: أَنَّهُ سُئِلَ عَنْ رَجُلٍ كَانَ يَرِي رَأْيَ الْخَوَارِجِ وَلَمْ يَخْرُجْ، فَقَالَ: الْعَمَلُ أَمْلَكُ بِالنَّاسِ مِنَ الرَّأْيِ.

¹ Muhammad Zāhid al-Kawtharī, *Majmū‘at al-‘aqīda wa ‘ilm al-kalām*, pp. 603–604.

² Shams al-Dīn al-Sarakhsī, *Kitāb al-mabsūt*, 10:134.

وَذَهَبَ أَكْثُرُ أَهْلِ الْأَصْوَلِ مِنْ أَهْلِ السُّنَّةِ إِلَى أَنَّ الْخَوَارِجَ فُسَاقٌ. إِنَّمَا فَسَقُوا بِتَكْفِيرِهِمُ الْمُسْلِمِينَ مُسْتَدِّيْنَ إِلَى تَأْوِيلِ فَاسِدٍ، وَجَرَحُهُمْ ذَلِكَ إِلَى اسْبِاحَةِ دِمَاءِ مُخَالِفِيهِمْ وَأَمْوَالِهِمْ وَالشَّهَادَةِ عَلَيْهِمْ بِالْكُفْرِ وَالشُّرُكِ. رَوَى الْخَالُلُ فِي السُّنَّةِ بِإِسْنَادِهِ، فَقَالَ: أَخْبَرَنِي يُوسُفُ بْنُ مُوسَى، أَنَّ أَبَا عَبْدِ اللَّهِ (أَيْ أَحْمَدَ بْنَ مُحَمَّدَ بْنَ حَنْبَلٍ) قَيْلَ لَهُ: أَكْفَرُ الْخَوَارِجُ؟ قَالَ: هُمْ مَارِقَةٌ، قَيْلَ: أَكُفَّارُ هُمْ؟ قَالَ: هُمْ مَارِقَةٌ مَرَقُوا مِنَ الدِّينِ.

This hadith indicates that those who believe in revolting against the government should not be killed so long as they do not wage a war on that basis or make preparations for it—this is due to the Prophet’s statement ﷺ, ‘and kill them if they revolt’. Al-Ṭabarī cited a consensus about this with respect to the one whose beliefs do not entail disbelief, and traced a report that ‘Umar b. ‘Abd al-‘Azīz wrote [to his governors] ordering ‘that the Kharijites be left alone unharmed so long as they do not shed blood unlawfully or seize wealth. And if they do that, then launch military operation against them at state level, even if they are my own progeny’. And in one route of transmission from Jurayj it is mentioned that he said to ‘Atā’, ‘What makes it lawful for me to kill the Kharijites?’ ‘Atā’ replied, ‘When they act as brigands on the roads and threaten security’. And al-Ṭabarī traced a report from al-Hasan in which he was asked about a man who held the beliefs of the Kharijites but did not revolt. Al-Hasan replied, ‘People regard action more valuable than opinion’.¹

And most of the scholars of legal theory [*uṣūl*] from *Ahl al-Sunna* held that the Kharijites were criminals because of their charges of disbelief levelled against the Muslims—charges that were based on corrupt, self-styled interpretations that led them to declare lawful the blood and wealth of their opponents, and charge them with

¹ Ibn Hajar al-‘Asqalānī, *Fath al-Bārī*, 12:299.

disbelief and polytheism. Al-Khalāl narrated in *al-Sunna* with his chain of transmission: ‘Yūsuf b. Mūsā informed me that Abū ‘Abd Allāh [i.e., Imam Aḥmad b. Ḥanbal] was asked, “Did the Kharijites disbelieve?” He said, “They are renegades [*māriqa*]”. He was then asked, “Are they disbelievers?” He replied, “They are renegades; they passed through the religion”.’¹

16.3.4 IMAM AḤMAD RIDĀ KHĀN

Imam Aḥmad Ridā Khān said about the Kharijites, ‘The people of Nahrawan, who rebelled against ‘Alī and declared him a disbeliever, were corrupt reprobates and arrogant rebels. They struggled under the banner of a new sect named the Kharijites, and the many disruptions that spread in the *Umma*—till today—were because of them’.²

16.4 THE RATIONALE BEHIND THE RULING TO ELIMINATE THE KHARIJITES

We see from the aforementioned quotes that the scholars differed about whether the Kharijites should be charged with disbelief or not. All of the jurists, no matter what opinion they took, agreed that they should be fought and eliminated.

In the hadith of Sharīk b. Shihāb ﷺ, the Prophet ﷺ said, ‘They shall pass through the religion just as an arrow passes through a hunted game. Their notable feature is shaven heads. They shall continue to appear until the last of them appears with the Anti-Christ [al-Dajjāl]; so you should kill them when you encounter them [during war]. They are the most evil of the creation’.³ ‘Abd Allāh b. ‘Umar ﷺ reported that the Messenger of God ﷺ said,

¹ Ibid., 12:300.

² Aḥmad Ridā Khān, *al-‘Atāyā al-Nabawiyya fī al-fatāwā al-ridawiyya*, 29:363.

³ Narrated by Ahmad b. Ḥanbal in *al-Musnad*, 4:421; al-Nasā’ī in *al-Sunan: Kitāb tahrīm al-dam* [The Book on the Prohibition of Bloodshed], chapter: ‘Regarding the One Who Unsheathes His Sword and Wields it amongst People’, 7:119 §4103; al-Nasā’ī in *al-Sunan al-kubrā*, 2:312 §3566; al-Bazzār in *al-Musnad*, 9:294 §3846; and al-Ṭayālisi in *al-Musnad*, 1:124 §923.

كُلَّمَا خَرَجَ قَرْنٌ فُطِعَ، أَكْثَرُ مِنْ عِشْرِينَ مَرَّةً، حَتَّى يَخْرُجَ فِي عِرَاضِهِمُ الدَّجَالُ.

‘Every time a generation of them appears it will be cut down—this will occur over twenty times—until the Anti-Christ appears in their last remnant’.¹

Ibn Hubayra al-Hanbalī said,

فِي الْحَدِيثِ أَنَّ قِتَالَ الْخَوَارِجِ أَوْلَى مِنْ قِتَالِ الْمُشْرِكِينَ، وَالْحِكْمَةُ فِيهِ: أَنَّ فِي قِتَالِهِمْ حِفْظُ رَأْسِ مَالِ الْإِسْلَامِ، وَفِي قِتَالِ أَهْلِ الشَّرْكِ طَلَبُ الرِّبْيَعِ، وَحِفْظُ رَأْسِ الْمَالِ أَوْلَى.

The hadith mentions that fighting the Kharijites is more important than fighting the pagans. The wisdom behind fighting them first is that it safeguards the capital of Islam’s wealth, whereas fighting the pagans is a pursuit of profit: and protecting one’s capital is more important than seeking profit.²

Ibn Taymiyya held that there is consensus on waging war against Kharijites to eliminate them:

كَانَ قِتَالُهُمْ ثَابِتًا بِالسُّنَّةِ الصَّحِيحَةِ وَبِاتْفَاقِ الصَّحَافَةِ . . . وَالْبُغَاثَةُ الْمَأْمُورُ بِقِتَالِهِمْ هُمُ الَّذِينَ بَغَوا بَعْدَ الْإِقْتَالِ، وَامْتَنَعُوا مِنَ الْإِصْلَاحِ الْمَأْمُورُ بِهِ؛ فَصَارُوا بُغَاثَةً مُقَاتَلِيْنَ. وَالْبُغَاثَةُ إِذَا ابْتَدَأُوا بِالْقِتَالِ جَازَ قِتَالُهُمْ بِالْإِنْفَاقِ؛ كَمَا يَخُوزُ قِتَالُ الْغُوَاةِ قُطْعَانُ الطَّرِيقِ إِذَا قَاتَلُوا بِإِنْفَاقِ النَّاسِ.

So fighting against them is established in the authentic and explicit Sunna, and is the agreement of the Companions. . . . The rebels against whom fighting is ordered are those who rebel after fighting erupts, and who refuse to follow the command of making peace and who become militant. By the agreement of the scholars, it is permissible to fight

¹ Narrated by Ibn Mājah in *al-Sunan*: ‘Introduction’, section, ‘Mention of the Kharijites’, 1:61 §174.

² Ibn Hajar al-‘Asqalānī, *Fath al-Bārī*, 5:157.

against rebels when they initiate fighting, just as everyone agrees that it is permissible to fight the highway brigands when they fight.¹

Ibn Ḥajar al-‘Asqalānī said:

فِي رِوَايَةِ أَبِي إِسْحَاقَ عَنْ سُوَيْدِ بْنِ غَفَّالَةَ عِنْدَ النَّسَائِيِّ وَالطَّبَرِيِّ: يَمْرُقُونَ مِنَ الْإِسْلَامِ. وَكَذَا فِي حَدِيثِ ابْنِ عُمَرَ فِي الْبَابِ، وَعِنْدَ النَّسَائِيِّ مِنْ رِوَايَةِ طَارِقِ بْنِ زِيَادٍ عَنْ عَلَيِّ يَمْرُقُونَ مِنَ الْحَقِّ وَقَوْلُهُ ﴿فَإِنَّمَا لَقِيتُمُوهُمْ فَاقْتُلُوهُمْ، فَإِنَّ فِي قَتْلِهِمْ أَجْرًا لِمَنْ قَاتَلَهُمْ يَوْمَ الْقِيَامَةِ﴾.

In the narration of Abū Iṣhāq from Suwayd b. Ghafra in the collection of al-Nasā’ī and al-Ṭabarī: ‘They shall pass through Islam’. Likewise, in the hadith of Ibn ‘Umar in the same section and recorded by al-Nasā’ī from the narration of Ṭāriq b. Ziyād from ‘Alī: ‘They shall pass through the truth’, and: ‘So kill them wherever you find them for the one who kills them shall receive a reward on the Day of Resurrection’.²

16.5 THE GREAT REWARD AWAITING THOSE WHO FIGHT THE KHARIJITES

Ibn Ḥajar al-‘Asqalānī said:

فِي رِوَايَةِ زَيْدِ بْنِ وَهْبٍ: لَوْ يَعْلَمُ الْجَيْشُ الَّذِينَ يَصِيغُونَهُمْ مَا فُضِّلَ لَهُمْ عَلَى لِسَانِ نَبِيِّهِمْ لَنَكُلُوا عَنِ الْعَمَلِ. وَأَخْرَجَ أَحْمَدُ تَحْوِيَةً هَذَا الْحَدِيثَ عَنْ عَلَيِّ وَزَادَ فِي آخِرِهِ: قِتَالُهُمْ حَقٌّ عَلَى كُلِّ مُسْلِمٍ. وَقَوْلُهُ ﴿صَلَاتُكُمْ مَعَ صَلَاتِهِمْ، زَادَ فِي رِوَايَةِ الزُّهْرِيِّ عَنْ أَبِي سَلَمَةَ كَمَا فِي الْبَابِ بَعْدَهُ وَصِيَامُكُمْ مَعَ صِيَامِهِمْ. وَفِي رِوَايَةِ عَاصِمِ بْنِ شُمَيْخٍ عَنْ أَبِي سَعِيدٍ: تَحْقِرُونَ أَعْمَالَكُمْ مَعَ أَعْمَالِهِمْ، وَوَصَفَ عَاصِمٌ أَصْحَابَ نَجْدَةِ الْحَرُورِيِّ بِأَنَّهُمْ، يَصُومُونَ النَّهَارَ وَيَقُومُونَ اللَّيْلَ وَيَأْخُذُونَ الصَّدَقَاتِ عَلَى السُّتُّةِ. أَخْرَجَهُ الطَّبَرِيُّ.

¹ Ibn Taymiyya, *al-Nubuwwāt*, pp. 223–225.

² Ibn Ḥajar al-‘Asqalānī, *Fath al-Bārī*, 12:288.

وَمِثْلُهُ عِنْدُهُ مِنْ رِوَايَةِ يَحْسَنِ بْنِ أَبِي كَثِيرٍ عَنْ أَبِي سَلَمَةَ . وَفِي رِوَايَةِ مُحَمَّدِ بْنِ عَمْرُو عَنْ أَبِي سَلَمَةَ عِنْدُهُ يَتَعَدَّدُونَ بِعَقْرُ أَحَدُكُمْ صَلَاتُهُ وَصَيَامُهُ مَعَ صَلَاتِهِمْ وَصَيَامِهِمْ . وَمِثْلُهُ مِنْ رِوَايَةِ أَنَّسٍ عَنْ أَبِي سَعِيدٍ وَزَادَ فِي رِوَايَةِ الْأَسْوَدِ بْنِ الْعَلاءِ عَنْ أَبِي سَلَمَةَ وَأَعْنَالُكُمْ مَعَ أَعْنَالِهِمْ . وَفِي رِوَايَةِ سَلَمَةَ بْنِ كُهْيَلٍ عَنْ زَيْدِ بْنِ وَهْبٍ عَنْ عَلَيِّ : لَيَسْتُ قِرَاءَتُكُمْ إِلَى قِرَاءَتِهِمْ شَيْئًا وَلَا صَلَاتُكُمْ إِلَى صَلَاتِهِمْ شَيْئًا . أَخْرَجَهُ مُسْلِمٌ وَالطَّبَّرِيُّ وَعِنْدُهُ مِنْ طَرِيقِ سُلَيْمَانَ التَّسِيمِيِّ عَنْ أَنَّسٍ : ذُكِرَ لِي عَنْ رَسُولِ اللَّهِ ﷺ ، قَالَ : إِنَّ فِيْكُمْ قَوْمًا يَذَّابُونَ وَيَعْمَلُونَ حَتَّى يُعْجِزُوا النَّاسَ وَتَعْجِزُهُمْ أَنْفُسُهُمْ . وَمِنْ طَرِيقِ حَفْصٍ بْنِ أَحْمَى أَنَّسٍ عَنْ عَمِّهِ بِلْفَظٍ ”يَتَعَمَّفُونَ فِي الدِّينِ“ . وَفِي حَدِيثِ ابْنِ عَبَّاسٍ عِنْدَ الطَّبَّارِيِّ فِي قِصَّةِ مُنَاطِرَةِ لِلْخَوَارِجِ ، قَالَ : فَإِنَّهُمْ فَدَخَلُوا عَلَى قَوْمٍ لَمْ أَرْ أَشَدَّ اجْتِهَادًا مِنْهُمْ أَيْدِيهِمْ كَانُوا ثَقِيلُ الْإِبْلِ وَوُجُوهُهُمْ مُعْلَمَةٌ مِنْ آثارِ السُّجُودِ . وَأَخْرَجَ ابْنُ أَبِي شَيْبَةَ عَنْ ابْنِ عَبَّاسٍ ﷺ أَنَّهُ ذُكِرَ عِنْدَ الْخَوَارِجِ وَاجْتِهَادُهُمْ فِي الْعِبَادَةِ ، فَقَالَ : لَيَسْوُا أَشَدَّ اجْتِهَادًا مِنَ الرُّهْبَانِ .

In the narration of Zayd b. Wahb: ‘If only the Muslim army who encounters them knew what has been decreed for them upon the tongue of their Prophet ﷺ, they would rely on it [and cease doing other deeds]’. Ahmad narrated a similar hadith from ‘Alī with the additional wording at the end: ‘It is the duty upon every Muslim to fight them [in the operation at the state level]’. [We must not relax and procrastinate in fighting and eliminating the Kharijites due to their apparent religiosity, because of] the Prophet’s statement ﷺ: ‘[You will deem] your prayers [insignificant] in comparison to their prayers’. Al-Zuhri’s narration has an additional wording reported by Abū Salama—as is in the chapter after it: ‘and [you will deem] your fasting [insignificant] in comparison to their fasting’. And in the narration of ‘Āsim b. Shumaykh from Abū Sa‘id: ‘You will deem your deeds insignificant in comparison to their deeds’. ‘Āsim also described the people of Najda al-Harūrā, saying, ‘They fast during

the day and pray during the night and collect the alms according to the Sunna'. This was narrated by al-Ṭabarī.

A similar report is found in his [al-Ṭabarī's] collection from the narration of Yahyā b. Abī Kathīr from Abū Salama, and in a narration from Muhammad b. ‘Amr from Abū Salama: 'They will be devout in their worship; one of you will deem his prayers and fasting insignificant in comparison to theirs'. And there is a similar report from the narration of Anas from Abū Sa‘id, and in the narration of Aswad b. al-‘Alā' from Abū Salama, there is the additional wording: 'You will deem your deeds insignificant in comparison to theirs'. And in the narration of Salama b. Kuhayl from Zayd b. Wahb, from ‘Alī: 'Your recitation will not be comparable to theirs, nor your prayers to theirs'. This was narrated by Muslim and al-Ṭabarī, the latter of whom narrated from the route of Sulaymān al-Taymī from Anas: 'It was mentioned to me that the Messenger of God ﷺ said, "Amongst you are a folk who persevere and strive [in good deeds] until they amaze people and their own egos amaze themselves".'

This report has an additional wording from the route of Hafṣ, Anas' nephew, from his uncle: 'They will absorb themselves deeply in the religion [yata‘ammaqūn]'. Al-Ṭabarānī narrates the story of Ibn ‘Abbās' debate with the Kharijites, in which Ibn ‘Abbās said, 'I went to them, and I have never seen a people more assiduous in their efforts. Their hands resembled the feet of camels [thick and rough] and the marks of prostration were prominent upon their faces'. Ibn Abī Shayba narrated that when someone mentioned the Kharijites and their efforts in the presence of Ibn ‘Abbās, he said, 'They are not as hard working as the monks!'¹

¹ Ibid., 12:288–289.

16.6 THE VIEWS OF ANWAR SHĀH KĀSHMĪRĪ AND SHABBĪR AḤMAD ‘UTHMĀNĪ ON THE KHARIJITES

Anwar Shāh Kāshmīrī and Shabbīr Aḥmad ‘Uthmānī, two well-known scholars from the Deobandi school of thought of the Indian Subcontinent, spoke in detail about the Kharijites and other rebellious groups. ‘Uthmānī penned a small research in his book, *Fath al-Mulhim*, with the title: ‘A Noble Research Concerning the Charge of Disbelief Applied to the Kharijites and Others from the Ḥarūrīs and Heretics, and Whether They are to be Fought, and if so, When’. He quoted the statements of Ibn Ḥajar al-‘Asqalānī in which he labelled them corrupt rebels who should be fought, as per the Prophet’s command ﷺ: ‘Kill them when they revolt against the state’.

Then Shabbīr Aḥmad ‘Uthmānī paraphrased the views of Qādī Iyād, al-Qurtubī and al-Subkī on the disbelief of the Kharijites, and quoted Kāshmīrī in *Fath al-Mulhim* (5:154):

وَالْحَقُّ أَنَّ حَدِيثَ الْمُرْوُقِ يَدْلُلُ عَلَى أَنَّ الْمَارِقَةَ أَقْرَبُ إِلَى الْكُفْرِ مِنَ الْإِيمَانِ، وَمِنْ
أَصْرَحِ مَا وَجَدْتُ فِيهِ مَا عِنْدَ ابْنِ مَاجِهِ عَنْ أَبِي أُمَامَةَ: قَدْ كَانَ هَؤُلَاءِ مُسْلِمِينَ،
فَصَارُوا كُفَّارًا. قُلْتُ: يَا أَبَا أُمَامَةَ، هَذَا شَيْءٌ تَتَّوَلُهُ؟ قَالَ: بَلْ سَمِعْتُهُ مِنْ رَسُولِ
اللَّهِ ﷺ. قَالَ الْحَافِظُ مُحَمَّدُ بْنُ إِبْرَاهِيمَ الْيَمَانِيُّ فِي ”إِيَّاشُ الْحَقِّ“ (ص / ٤٢١)
وَإِسْنَادُهُ حَسَنٌ. وَحَسَنَةُ التَّزَمِيدِيُّ مُخْتَصَرًا.

The truth of the matter is that the hadith which mentions ‘passing’ [*murūq*] proves that those who ‘pass’ are closer to disbelief than faith. The most explicit text I have found stating this is the narration of Ibn Mājah from Abū Umāma, who said, ‘They were Muslims and then became disbelievers’. [Abū Ghālib, the narrator, said:] ‘I asked, “Is this something you say from your own opinion, or is it something you heard from the Messenger of God ﷺ?” He replied, “... I heard it from the Messenger of God”.’ Al-Ḥāfiẓ Muhammād b. Ibrāhīm al-Yamānī said in *Ithār al-ḥaqqa*, ‘Its chain of transmission is authentic, as declared by al-Tirmidhī in summarized form’. (p. 421)

‘Uthmānī commented:

يُؤَيِّدُ الْفَوْلُ الْمَذُكُورُ الْأَمْرُ بِقَتْلِهِمْ مَعَ مَا تَقَدَّمَ مِنْ حَدِيثِ ابْنِ مَسْعُودٍ: لَا يَحِلُّ قَتْلُ
اَمْرِيْءٍ مُشْلِمٍ إِلَّا بِإِحْدَى ثَلَاثٍ وَفِيهِ: التَّارِكُ لِدِينِهِ، الْمُفَارِقُ لِلْجَمَاعَةِ وَوَرَدَ فِي بَعْضِ
الرَّوَايَاتِ الصَّحِيحَةِ: الْمَارِقُ مِنَ الدِّينِ، التَّارِكُ لِلْجَمَاعَةِ.

The aforementioned view is buttressed by the command to kill them, in addition to the hadith of Ibn Mas‘ūd mentioned earlier: ‘It is impermissible to kill a Muslim except for one of three reasons. . .’ In that hadith it mentions: ‘the one who leaves the religion and separates himself from the community [*jamā‘a*]’. In some rigorously authentic narrations of the same report, it mentions, ‘the one who passes through the religion [*māriq*], and the one who separates himself from the community’.¹

‘Uthmānī continued, elaborating the position of the Hanbalī school on fighting the Kharijites:

الظَّاهِرُ عِنْدِي دَرَائِيْهِ وَرِوَايَةُ قَوْلِ أَهْلِ الْحَدِيثِ، أَمَّا رِوَايَةُ: فَقَوْلُهُ ﷺ: فَأَئِنْ لَقِيتُمُوهُمْ
فَاقْتُلُوهُمْ وَأَمَّا قَوْلُ عَلِيٍّ رَضِيَ اللَّهُ عَنْهُ: فَمَعْنَاهُ أَنَّ الْإِنْكَارَ عَلَى الْإِمَامِ وَالطَّغْيَانِ فِيهِ لَا يُوجِبُ
قَتْلًا، حَتَّى يَنْزَعَ يَدُهُ مِنَ الطَّاغِيَةِ، فَيَكُونُ بَاغِيًّا، أَوْ قَاطِعُ الْطَّرِيقِ.

It seems apparent to me, considering the narrations and their meanings, that the correct view on this is the one held by the traditionists [*ahl al-hadīth*]. As for the narrations, consider the statement of the Prophet ﷺ, ‘So kill them wherever you find them’. And as for ‘Ali’s statement, it means that censuring the ruler and defaming him does not call for fighting; only when such a person challenges the writ of the government and becomes either a rebel or a brigand.²

¹ Shabbīr Ahmād ‘Uthmānī, *Fath al-Mulhim*, 5:154.

² Ibid., 5:155.

In the conclusion of his research, Uthmānī mentioned both his viewpoint and the opinion of Kāshmīrī:

قال في موضع آخر من رسالته بعد سرد الأحاديث: فخرج من هذه الأحاديث بهدا الوجه وجة من كفرهم من أهل الحديث، وقد نسبة السندي على سنن النسائي إليهم، وهو قول فحلي، وكذا نسبة في فتح القدير إليهم، وخرج عدم الفرق بين الجحود والتلاؤل في القطعيات. والله سبحانه وتعالى أعلم. وخرج أن الكفر قد يلزم من حيث لا يدري، مع ما يحقر أحدكم صلاتة وصيامه مع صلاتهم وصيامهم، وأعماله مع أعمالهم، وليس قرائته إلى قراءتهم شيئاً، فخذ هذه الجملة التبوية أصلاً في مسألة الشكير، فهي كآخر القرآن، كلها شاف كاف.

After mentioning the hadith reports elsewhere, he [Kāshmīrī] said, ‘Those of the traditionists who charged them [the Kharijites] with disbelief derived their view from these hadith reports. Al-Sindī—may God have mercy upon him—also charged them [with disbelief] in his commentary on al-Nasā'i's *al-Sunan*, and this is a solid view. Similarly, the author of *Fath al-Qadīr* [al-Munāwī] charged them [with disbelief] and mentioned that there is no distinction between denial and erroneous interpretation when it comes to [disbelief in] the unequivocal matters [*qat'iyāt*]—and God Most High knows best. It is also derived [from these hadith reports] that disbelief may occur whilst one is unaware, in addition to the fact that ‘one of you will see his prayers, fasting, deeds and recitation as insignificant in comparison to theirs’. Hence, you should take these prophetic words as a basis for the issue of charging [others] with disbelief, for they are like the letters of the Qur'ān: all of them heal and suffice.^١

^١ Ibid.